HARMON - Gov. of OHIO - Special & Veto Messages to 79th Gen. Assembly.
1911.

Special and Veto Messages

of

Judson Harmon

Governor of the
State of Ohio

79th General Assembly

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SPECIAL MESSAGES.

To the General Assembly:

Pursuant to the provisions of the Act approved May 13, 1910 (101 v. 200), I transmit herewith the recommendations submitted to me by the State Highway Commissioner for a system of highway laws to take the place of all existing road laws, together with his letter to me which accompanied the same. The Commissioner informs me that the proposed bill in which the recommendations are embodied was prepared with the assistance of the Attorney General, as provided in the Act.

The recommendations having only been submitted to me to-day, I have had no opportunity to examine them with sufficient care to express an opinion about them, and I do not take the time to do this because, under the Act, I consider it my duty to transmit them for your consideration without delay.

JUDSON HARMON,
Governor.

January 25, 1911.

To the General Assembly:

I have the honor herewith to transmit the report of the committee appointed under House Joint Resolution No. 20, at the last session, to investigate conditions at the Girls' Industrial Home and report its findings, recommendations and suggested legislation.

The advisability of providing a reformatory was also among the subjects to be dealt with, and Senate Joint Resolution No. 24 afterward included the question whether the proposed rebuilding of the women's department at the penitentiary should be in connection with the reformatory for women in case one is to be established.

The committee was authorized to incur all necessary expenses, but as no appropriation was made it had to forego visits to similar institutions in other States, except to the new one at Indianapolis, where the members went at their own expense. So information about these had to be gathered from official reports and by correspondence. Nevertheless, the committee has done its work thoroughly and furnished a basis for your action on which full dependence may be placed.

Public sentiment has become acute on the subject which the report of the committee brings before you. Much time and study have been devoted to it by the women of the State generally and by many of the men. Ohio established the first industrial home for delinquent girls, but long ago lost the lead to other States which have not outrun us in care for delinquent boys. Discrimination between the sexes in this respect through neglect is blameworthy. I cannot believe that in an intelligent and moral community it could be intentional.

The report confirms the unanimous judgment of officials and others as to the proper course to pursue at the Girls' Home, and I concur in all its recommendations.

The establishment of new institutions is not to be undertaken lightly. They create fixed charges on the people of the State which are certain to increase necessarily and apt to increase needlessly. But I have been forced by the facts to the conclusion that the public welfare requires a reformatory for women. I hesitated because I thought the number of inmates would be too small to justify the expense of a separate institution. But

what I have learned from the judges of the juvenile courts and others amply confirms the recommendation of the committee that a reformatory should be provided without delay.

Fortunately, the rebuilding of the women's department in the penitentiary has not yet been commenced, so that it may be abandoned without loss and a prison for women be combined with a reformatory, keeping them entirely separate but under a single management, which will be an economy involving no loss in efficiency.

There is no doubt that women should be put in charge of both prison and reformatory. The legal difficulty which has been supposed to stand in the way can be avoided by providing that the management shall be in the hands of a matron as the executive head with such other female assistants as may be required. If masculine attention be desired it can be supplied by a board of trustees. The same end can be secured at the Girls' Home by abolishing the office of Superintendent and putting a matron in charge.

Reluctant as we all are to make a permanent addition to the expenses of the State, I recommend that the necessary steps be taken at this session to provide a reformatory for girls and a penitentiary for women on the plan stated.

JUDSON HARMON,
Governor.

February 6, 1911.

To the Senate:

A deep sense of public obligation leads me to urge the passage of several measures, in addition to those heretofore recommended, which I fear are becoming imperiled with the close of the session so near. These are:

1. The election of delegates to the Constitutional Convention by non-partisan ballot. If we are to have a proper instrument which will meet the approval of the people, every precaution should be taken to have the men who are to frame it chosen on their individual merits as patriotic citizens well qualified for the task. And I am convinced that as a further assurance of this the nominations should be by petition only, which an amendment to the pending bill could easily provide.

The constitutional objections which have been raised to the course proposed are not sound. All the requirements of the Constitution will be met by electing the delegates by ballot and in the same districts as members of the House of Representatives. The time of election and form of ballot may be fixed by the General Assembly.

2. The abolition of the party emblem in purely municipal elections. There is the direst need of improvement in the government of our cities, and the great parties by whose means the State and General Government are conducted have no proper place in those of municipalities. The party emblem in such elections is an aid to the ignorant and those who corrupt voters and no help to upright and intelligent electors. And both parties would be better off in their proper function if they were kept out of purely municipal affairs, in which, as a matter of fact, it is only their names that are used. The general ideas and policies which distinguish them from each other do not apply at all to the subjects with which municipalities deal.

3. For reasons already stated city councils ought to be composed of a less number of members, a large part of whom should be elected at large. The smaller the district from which members are chosen the greater the risk of improper or unwise selection, the narrower their views and the greater the likelihood that the common interests of the entire city will not receive due attention.

4. The nomination by State wide primary elections of all who are in any way to act for or represent the State officially

or politically, and the determination by such elections of the choice of the State for Senators of the United States. Until provision shall be made by amendment to the National Constitution, this result can be secured by the method provided in the bill now pending. Such amendment is still uncertain and years may be required for its adoption by the States even if it be proposed at this session of Congress.

These measures are in line with the best thought of the country, which is devoting itself with increasing earnestness to the betterment of conditions in order that government by the people shall bear its full fruitage of benefits and thereby insure its perpetuity.

I am certain the people of the State generally, without regard to party or other divisions, earnestly desire the passage of these measures and will not be content to wait two years for them.

JUDSON HARMON,
Governor.

April 6, 1911.

VETO MESSAGES.

To the General Assembly:

After careful consideration I feel bound to withhold approval of Senate Bill No. 3, entitled "To amend Sections 4943 and 4799 of the General Code, relating to the salaries of Deputy State Supervisors, Clerk and Deputy Clerk." The only purpose and effect of the bill are to authorize increases in the compensation of the officers named in the five cities of the State having over one hundred thousand population.

It seems to be not generally known that the regular salaries provided by the sections which the bill proposes to amend are not the entire pay the officers in question get. Section 4990 gives, in addition, to the members of the boards two dollars each per precinct and to the Clerk three dollars per precinct for services at primary elections, without limit. As the Boards have power to create new precincts this seems to be an unwise law and, besides, sound policy requires that the compensation of all officials be definitely fixed by a single law.

This is an inopportune time to increase salaries of public officers, whatever the merits of such proposals. The most urgent present necessity is the proper making and adjustment of the tax duplicate, to which a low limitation of the tax rate is essential. The steps now being taken to those ends would be seriously impeded by any increase in public expenses, especially in official salaries.

The enormous growth in the expenditures of municipalities is an admonition to retrenchment whether these be considered alone or in comparison with increases in population. In the five cities which would be affected by the bill the figures for the past ten years are as follows:

	Increase in Population.	*Increase in Taxation.*
Cleveland	46.9%	92%
Cincinnati	11.5%	43%
Columbus	44.5%	145%
Toledo	27.8%	55%
Dayton	36.6%	42%

But, without regard to existing public exigencies, the proposed increases in the pay of election boards and their clerks cannot, in my judgment, be justified. Their present compensation is ample in view both of the service they render and the time it takes and of the compensation other officials receive. Taking Cleveland, for example, the present compensation authorized for each member of the board is $2,432 per year and for the clerk $3,550, and those amounts will be largely swelled, as I am informed, by the increase in wards and precincts which must shortly be made. The members would now receive, under this bill, more than $3,000 each and the clerk more than $5,000 per year, to be still further increased as new precincts are formed.

The deputy clerk is paid a straight salary of $1,800.00 per year, which appears to be full pay for the time and service required. It is equal to the pay of the examiners in the Bank and Public Accountancy Departments and to that of other deputies who give all their time to the public service and expert qualifications, too.

I always reach with reluctance conclusions adverse to yours, but in this case I must return the bill unapproved to the Senate, as I herewith do.

JUDSON HARMON,
Governor.

February 27, 1911.

To the General Assembly:

For more than thirty years physicians have been required to furnish the Board of Health a certificate of recovery or death in cases of various infectious diseases so that such board may do its work of disinfection (G. C. 4432). Failure to file such certificate is punishable by fine or imprisonment, or both (G. C. 4414).

Senate Bill No. 4, "To Amend Sections 4432 and 4433 of the General Code to compel the disinfection of a house and contents in which a person has had pulmonary tuberculosis," adds consumption to the list of such diseases, and this part of the bill I should gladly approve if it could be treated separately. But the bill also provides for paying physicians a fee for each certificate, not only in cases of consumption, but in all others, a purpose which the title of the bill does not disclose.

There is no good reason why this simple act, so long done by physicians without pay, as part of their ordinary duty, should now be paid for from the public funds. And as this provision is not separated from the other, I must return the entire bill unapproved to its House of origin, which I herewith do.

JUDSON HARMON,
Governor.

March 31, 1911.

To the General Assembly:

I think it my duty to return to the Senate, without approval, Senate Bill No. 45, "To amend Section 2941 of the General Code relating to emergency relief in Soldiers' Relief Fund," and herewith do so.

This is from no backwardness on my part in furthering the patriotic benevolence which has always distinguished the people of Ohio, but from the conviction that my action will help in the fulfillment of their generous purpose.

From the fund provided each year by taxation relief is granted, on the order of the Soldiers' Relief Commission in each county, by monthly payments of money. And by said Section 2941 the Commission may now, on the recommendation of a township or ward relief committee, grant immediate relief, by an allowance of money, "under such rules as it may designate," in case of sickness, accident or great destitution. The amendment provides that nurse hire may be paid, too, at not exceeding two dollars per day.

The Commission's authority under the present law is not limited. It may now, in proper cases, make the allowance large enough to cover nurse hire. Then if, as very often happens, the necessary nursing is provided by kinfolk, comrades, or neighbors, the unfortunate will profit by the saving, while if it is paid for out of the public treasury he will not get this benefit and the consequent reduction of the fund will shorten the hand of the Commission with respect to other cases, because with direct payments from the treasury this expense is bound to increase rapidly.

Experience and observation convince me that while the motive of the proposed amendment is praiseworthy it would prove most unsatisfactory in its results.

JUDSON HARMON,
Governor.

March 31, 1911.

To the General Assembly:

The power conferred on the General Assembly to change the judicial districts of the State or the sub-divisions thereof, given by Section 15, Article IV, of the Constitution, must be exercised "in accordance with the requirements of Section 3" of the same article, as was expressly decided in the District Court case, 34 O. S. 431. Among those requirements is that the sub-divisions shall be "as nearly equal in population as practicable."

The three sub-divisions of the Fourth Judicial District with their population, by the census of 1910, are as follows:

First Sub-Division:	
Lucas County, population	192,728
Ottawa County, population	22,360
Sandusky County, population	35,171
Erie County, population	38,327
Huron County, population	34,206
Total	322,792
Second Sub-Division:	
Lorain County, population	76,037
Medina County, population	23,598
Summit County, population	108,253
Total	207,888
Third Sub-Division:	
Cuyahoga County, population	637,425

As another of such requirements is that the sub-divisions shall be bounded by county lines, Cuyahoga County cannot be divided. So that, this fact considered, the present arrangement of the sub-divisions is in compliance with the Constitution, and if any change were to be made the natural and proper one would be to establish Cuyahoga County, with its 637,425 population, as a separate judicial district.

The object of Senate Bill No. 96, "To increase, by one, the number of common pleas judicial districts, by establishing the eleventh district and fixing the sub-divisions thereof, to change the first sub-division of the fourth judicial district and to designate the judges of the court of common pleas of the eleventh judicial district hereby created," is, however, to erect a new separate district out of the present fourth district, to consist of Lucas,

Ottawa, Sandusky and Erie Counties, with a population of 288,586, with the following sub-divisions:

First Sub-Division:	
Lucas County, population	192,728
Second Sub-Division:	
Ottawa County, population	22,360
Sandusky County, population	35,171
Total	57,531
Third Sub-Division:	
Erie County, population	38,327

This inequality in the population of the sub-divisions is emphasized and needlessly increased by taking Huron County from its present place in the first sub-division of the present district, and making it by itself, with its population of only 34,206, the first sub-division of the fourth judicial district, making the sub-divisions of that district as follows:

First Sub-Division:	
Huron County, population	34,206
Second Sub-Division:	
Lorain County, population	76,037
Medina County population	23,598
Summit County, population	108,253
Total	207,888
Third Sub-Division:	
Cuyahoga County, population	637,425

It would be hard to work out a greater disturbance of the required equilibrium of sub-divisions in both districts than that proposed by the bill, whose effect, in this particular, is substantially the same as that proposed by Senate Bill No. 242 at the last session, which I felt bound to disapprove by message May 23, 1910, to which I beg to refer.

It is true of this bill, as of the former one, as stated in the message, that "The only reasons advanced in support of the bill frankly relate to the control of the choice of judges rather than the efficiency of our judicial system," and I may add to the plain command of the Constitution.

For these reasons, I feel compelled to return the bill to the Senate without my approval, as I herewith do.

JUDSON HARMON,
Governor.

April 7, 1911.

To the General Assembly:

Under the present law the interest realized under the County Depository Law on undivided taxes is distributed proportionately among the State, county and other funds for which the taxes were collected. House Bill No. 175, "To amend Section 2737 of the General Code as amended May 10, 1910, relative to the disposition of interest paid by depositories into county treasuries," proposes to change the law so as to give all such interest to the General County Fund alone. For this course no reason has been suggested except that it would avoid the computation necessary for a proper apportionment of the interest, but I do not think this a justification for departing from the rule of fairness on which the present law proceeds.

The plan of securing for the tax payers interest on the public funds, the same as they do for themselves on private funds, has been adopted in obedience to public sentiment. It has resulted in large accretions which inure to the public benefit and which reduce the requirements made upon citizens by taxation. And fairness and justice require that the various funds shall receive the benefit of the interest which they respectively earn. The bill would deprive the other funds of these earnings for the benefit of the county fund alone.

For this reason I feel it my duty to return the bill to the House of Representatives without my approval, which I accordingly do.

JUDSON HARMON,
Governor.

April 11, 1911.

To the General Assembly:

I return herewith to the House of Representatives, without approval, House Bill No. 514, "To amend Section 1 of an act entitled 'An act to make appropriation for the improvements and maintenance of Fort Meigs,' passed May 10, 1910 (O. L. Vol. 101, pages 255 and 256), to make more definite the appropriation for the improvement and maintenance of Fort Meigs," because, through a misapprehension, it is so drawn as to defeat its manifest purpose and effect.

The Act referred to in the caption made an appropriation for the improvements and maintenance of Fort Meigs, only a little more than half of which has been expended, the remainder being still in the treasury. The object of the bill is to broaden the purposes for which this money may be used so as to include maintenance and repair of buildings and grounds. This is done by amending Section 1 of the original Act by inserting these purposes and omitting the appropriating clause, but as that section is repealed by the bill the unexpended portion of the appropriation is cut off, with the result that if the bill should become a law there would be no funds available either for the original purposes or for the additional ones in view.

JUDSON HARMON,
Governor.

April 25, 1911.

To the General Assembly:

The present law requires closed vestibules on electric cars so constructed as "completely to protect" the motormen from "wind, storm and rain," and that they be heated during the winter months.

House Bill No. 53, "To amend Section 12788 of the General Code, requiring persons, associations, corporations and companies, owning or operating electric cars to provide for the well being of employes," requires like vestibules for the conductors also, but without heating. Of cars now in use the bill applies to closed cars only, the remainder of the current year being allowed for compliance, which is too short a time to make the necessary changes on the many thousands of such cars now in use in the State. It could not be done without crippling the service meanwhile because the cars must be sent to the shops. Some short cars would have to be partially rebuilt in order to lengthen them and on some routes with steep hills and sharp curves this would put cars out of commission.

All open or summer cars hereafter built must also have such completely closed vestibules at the rear as well as the forward end, though there is no requirement of protection for passengers from wind, storm and rain. This is an unnecessary and therefore unreasonabe requirement.

But, besides these considerations, common observation shows that the complete enclosure of the back platform, which must include a door, is not consistent with the convenience of passengers in entering and leaving the car, nor with their safety because it interferes with the quick handling of the trolley, the prompt blocking of the wheels when stops are made or trouble occurs on hills, and other duties of the conductor.

Nor, as stated in a former message on the same subject, is there the same necessity in case of the conductor as in that of the motorman. The latter must remain in one position at the more exposed end of the car. The former is free to move about and does so, being much of the time inside of the car. On most lines he collects fares, on all he has various duties which call him within, and it is common knowledge that he is free to and does go inside when the weather makes protection necessary.

I cannot believe that there is anything in the case of the

conductor to justify the proposed measure. The convenience and proper service of the public is the object of the enterprise in question and these should not be interfered with except for clear and sufficient cause. And while the expense involved, though great, would not matter if such cause existed, it must not be forgotten that every needless burden imposed on a public utility is bound to result in impairment of the service it is established to regulate and maintain.

For these reasons I deem it my duty to return the bill to its house of origin without approval, which I herewith do.

JUDSON HARMON,
Governor.

April 29, 1911.

To the General Assembly:

I find myself unable to approve House Bill No. 162, "To supplement Section 3147 of the General Code by the enactment of Sections 3147-1, 3147-2 and 3147-3, by providing for instruction in tuberculosis and dispensary treatment for persons having such disease," and therefore return it to the House of Representatives herewith.

The object in view is commendable, being to further the purposes for which the hospital at Mt. Vernon and the various district and county hospitals are maintained. But the bill proposes to authorize County Commissioners to employ nurses to visit the homes of persons afflicted with tuberculosis, to give instructions and perform such other duties as the Commissioners may direct.

There are no provisions to secure fitness or competence of the persons to be employed. There is no limit of their number, nor of their compensation, nor of the total amount to be expended. The Commissioners are generally not men who are qualified to determine these matters. If this step is to be taken it should be under the direction of skilled persons in charge of the hospitals.

And I do not think it wise to give such indefinite and unlimited authority to any officials, especially when care with respect to public expenditures is so necessary as it now is. Such a course is contrary to the settled policy of the State.

JUDSON HARMON,
Governor.

April 29, 1911.

To the General Assembly:

House Bill No. 270, "To supplement Section 375 of the General Code including in the powers of the State Dairy and Food Commissioner and assistants, authority to give public instructions pertaining to the dairy industry, sanitary inspection, the food and drug laws and their enforcement," is in substance and effect the same as the bill from which I felt it my duty to withhold my approval at the last session for reasons stated in the message of May 23, 1910. As those reasons still apply, I feel bound to pursue the same course with the present bill, which I herewith return accordingly to the House of Representatives.

The department in question is and was intended to be purely administrative. This bill would add educational duties which, I am confident, would impair the effectiveness of the department in its proper work. And even if this were not true, instruction on the subjects mentioned is already provided for in the department of agriculture, the agricultural experiment station and in the State University, while provision for instruction in the common schools has been made at the present session. To add another agency to those now engaged in this important service would only create confusion and lead to needless duplication of work. My judgment is that there are too many independent bodies engaged in this service already. There should be some single authority to see that the work is properly distributed throughout the State so that the force engaged may be made thoroughly effective.

JUDSON HARMON,
Governor.

May 6, 1911.

To the General Assembly:

I return herewith to its house of origin unapproved House Bill No. 237, "To amend Sections 5840, 5841, 5842, 5843, 5845, 5848, 5849 and 5850 of the General Code by providing for damages for live stock killed or injured by animals afflicted with rabies."

These sections provide for the payment out of the fund raised by the per capita tax on dogs of claims for sheep killed or injured by dogs. The purpose of the bill doubtless was to make these sections cover also claims for the killing of any live stock by "dogs afflicted with rabies," but the bill is so drawn that the original purpose of the law is destroyed. In the proposed amendment to Section 5840 the language is retained which mentions damages to sheep by dogs and the reference to live stock killed by rabid dogs is added. But in all the succeeding sections the language referring to sheep and lambs is wholly omitted and the words "live stock" substituted. So the retention in Section 5840 of the words relating to sheep killed by dogs is of no effect because of their omission from the sections which provide for proof and payment of claims. Sheep killed by dogs and other live stock killed by rabid dogs are treated by the amendment to Section 5840 as distinct classes, so that it is very doubtful whether even sheep killed by rabid dogs are covered by the bill. It seems clear that sheep killed by other dogs are not covered.

The law as it stands is anomalous because there is no sound reason why the public should pay for the loss of animals except when they are killed by official order to prevent the spread of disease. In such cases there is individual loss for the general benefit and that loss should be made good by the community. The law as to sheep seems to rest on peculiar reasons. It has been long in force and there appears to be no desire to repeal it. But the proposed addition of any live stock killed or injured by rabid dogs, without limitation of any sort, seems to be an unwarrantable extension of an illogical law. There is no more reason why the public should stand the losses due to rabies than losses due to other communicable diseases of animals. And it is to be feared that precautions against rabies and its spread would be relaxed if the risk of damage were shifted from the individual to the State.

Another objection to the bill is that, without any apparent reason, it doubles the fees of witnesses which under the present law are the same as before justices of the peace.

JUDSON HARMON,
Governor.

May 22, 1911.

To the General Assembly:

I find myself unable to approve Senate Bill No. 8, "To define bank deposits as credits for the purpose of taxation and to amend Sections 5326, 5327 and 5376 of the General Code," and therefore herewith return it to the Senate.

While in a certain broad sense money on deposit in banks subject to check may be called a credit, it is universally considered and treated as cash on hand which for practical purposes it really is, a check being everywhere the equivalent of money and involving no element of credit.

The Constitution, Article XII, Section 2, classifies "moneys and credits" separately. It would seem absurd to say that by "moneys" only the trifling amount of cash in physical possession was meant, leaving the enormously greater amount of money in bank to fall under "credits." Contemporaneous construction always carries great weight and in the first session under the new Constitution (50 V. 136) "moneys" was defined as including bank deposits payable on demand and "credits" as covering all other claims for money.

This has now been the law continuously for almost sixty years, and if it be within the authority of the General Assembly to make the change proposed, in view of the classification in the Constitution, it is most unwise to do it now. The new assessment of real estate has led to the passage of laws limiting the tax rate and providing for making other kinds of property pay their just share of the public expenses. The laws relative to such other kinds of property need to be strengthened rather than relaxed. This applies with great force to bank deposits as is shown by the tremendous discrepancy between the sworn published statements of these and the amounts returned for taxation. The object of the bill is to furnish depositors with a further mode of escape by authorizing the deduction of debts from money on deposit as well as from credits. With the limit placed on taxation by the law passed at the present session, there is no sufficient reason for this. It was doubtless suggested by the very laws just enacted to reach and tax money on deposit in banks more justly, and is therefore inconsistent with them.

Our present efforts for tax reform under the restrictions of the present Constitution should not be thus obstructed, but if

the change proposed is to be made at all, it should be left to the convention soon to meet, which will deal with the revenue system of the State as a whole.

JUDSON HARMON,
Governor.

May 27, 1911.

To the General Assembly:

House Bill No. 136, "To amend Sections 1740 and 1742 of the General Code relative to criminal dockets for Justices of the Peace," by its amendment of said Section 1740 directs each justice of the peace to provide himself with a substantial criminal docket but directs the township trustees to furnish it. They are also required to supply him with "furniture for his office" and certain specified books.

What the furniture is to be, or how much, or the cost, is not mentioned, but Section 1742, which the bill also amends, permits justices who are not salaried to retain out of fines, etc., not exceeding twenty dollars for a suitable desk, so the furniture intended must be something else, and it is to be supplied to all justices whether salaried or not.

Whether the taste or wishes of the justices are to prevail or those of the trustees, it seems to be unwise to allow unrestrained discretion to either, even if in view of the limited business and known habits of justices with respect to their places of holding court any other furniture is required beyond the desk which has always heretofore sufficed for their needs.

For these reasons, I herewith return the bill to its house of origin without approval.

JUDSON HARMON,
Governor.

May 29, 1911.

To the General Assembly:

I should be glad if House Bill No. 594 could be disposed of on grounds of official courtesy, but it raises questions which I cannot conscientiously avoid deciding.

Under G. C. Section 50 the salaries of members are made $1,000 per annum, payable in monthly installments during each year. In any session year "the balance of the salaries for such year may be paid at the end of the session." The purpose of the bill is to make the entire remainder of the salaries for the full term of two years payable at the end of the first session, which is always at the beginning of the first year. It is drawn so as to take effect at once.

If it were a mere matter of policy the payment of salaries in advance would not be right. True, "they also serve who only stand and wait" a further call for active duty, but the service should precede the pay whether it be work or waiting. It cannot be foretold that nothing will occur to require an extra session and if there should be one the lack of present funds might prove inconvenient to some members. There are already three vacancies in the membership and others may occur. In such cases the new members chosen would have to serve without compensation or the public be subjected to double payment for the same service.

But apart from these considerations the action proposed by the bill would, in my opinion, violate the Constitution, Article II, Section 31, which in terms forbids any change in the compensation of members during their term of office. Time of payment is an essential element of compensation as well as the amount, and the prohibition of any change covers both. The remainder of the salaries for 1911 may be paid at the close of the present session by the law as it now stands, but the salaries for 1912 are payable only in monthly installments during that year. With State funds drawing liberal interest, as they now do, the difference against the taxpayers involved in paying the entire salaries for 1912 on May 31, 1911, can be readily calculated and would be a very considerable amount, though this is not so important as the principle at stake.

It is said the bill follows precedents. I find that from the time biennial sessions were resumed in 1894 the law provided for monthly installments until 1904, when a law like the bill now

before me was passed (97 V. 316). But this was repealed at the following session in 1906 and payment for the full year only authorized at the close of the session (98 V. 8). Though this act was in turn repealed and only monthly payments permitted (id. 287), the provision of the earlier act for payment for the remainder of the session year got somehow into G. C., Section 50.

Beginning with 1908 there have been annual sessions. So there is the single predecent of 1904, and that promptly repudiated, standing alone against the action of all the other biennial sessions since 1894.

For these reasons I am constrained to return the bill to the House of Representatives without my approval, which I herewith do.

JUDSON HARMON,
Governor.

May 29, 1911.

To the General Assembly:

I approve Amended House Bill No. 491, "To repeal Sections 5446 to 5542-8, inclusive, and 5542-10 to 5542-24, inclusive, of the General Code, as enacted May 10, 1910 (101 O. L. 199), relating to the tax commission of Ohio and to further define its powers and duties," with the exception of Section 162 thereof, to which my objections are as follows:

Glaring inequalities in taxation have long caused discontent in the State that has become more general and acute since the commenmecent of the recent quadrennial appraisement of real estate, which everybody knew was certain to increase largely the valuations thereof.

Justice to the owners of real estate required that measures be taken to secure from the owners of other kinds of property their just share of taxes. To accomplish this it is necessary to subject to taxation personal property, moneys, credits, etc., which have heretofore largely escaped, and to put these on the duplicate at their true value in money, as is done with real estate.

So at the last session a State Tax Commission was created and a limit fixed on the total amount of taxes which may be levied after the new valuation of real estate takes effect. At the present session this limit has been reduced in order to enforce economy in public expenditures and also to stimulate taxing officials in their work respecting personalty, as well as to arouse public sentiment on the subject.

The purpose of the bill now before me is to clear away doubts and ambiguities in the Tax Commission law and make the powers of that body more effective. As drawn and passed by the House the bill accomplished these purposes, but among the amendments made by the Senate is Section 162, whose effect would be to obstruct the laudable work in progress, and that with respect to money on deposit in banks, trust companies, building and loan associations and financial institutions of all descriptions, and shares in building and loan associations, whether held by borrowers or investors, all of which have long been most notorious for absence from the duplicate.

Under its general authority the Tax Commission has the power to make all examinations necessary to secure information required for the discharge of its duties with respect to all kinds

of property, but by Section 162 it is explicitly forbidden to exercise this power to enable it to discover taxable deposits and investments in the kinds of institutions above mentioned, and to examine deposit accounts of banks, etc., even to verify statements filed under the law as an aid in fixing the true value of shares of stock.

This would be a clear discrimination in favor of shareholders and depositors and against the owners of other kinds of property as well as against the public interest. In effect it would be a practical exemption from taxation in very many cases, and that of property most of which would certainly not appeal strongly for exemption from contributing to the public expense, if authority to grant exemptions existed.

Determined as I am to secure the best and fairest results possible under our present Constitution and laws, I cannot give my approval to this part of the bill.

With taxation limited, as it now is, every excuse for seeking to avoid taxation is removed and every citizen ought willingly to pay his fair share to support the government. But unless all are subject to the same rule, in all respects, any system of taxation would be unjust and therefore fail to secure the general approval which gives vitality to the measures of popular government.

I therefore file with the Secretary of State, herewith, said Section 162 unapproved.

JUDSON HARMON,
Governor.

June 6, 1911.

To the General Assembly:

House Bill No. 378, "To provide for the inventory of state property," in addition to a full and accurate inventory of all the various kinds of property belonging to each state department and institution at the close of each fiscal year, provides also in Sections 2 and 3 thereof for an appraisement of such property by three persons to be appointed by the Governor, one to be an architect and one a civil engineer. These appraisers are to receive six dollars a day in addition to their expenses.

Finding when I took office that no such inventory had ever been made in most of the State institutions and departments, I directed that they be made in such of them as were under the control of the Governor, and to insure like action in the future I have always advocated a law to that end. The bill drawn at my direction contained other valuable provisions which I do not find in this bill, looking to the supervision of the disposal of chattel property by a central authority in order to prevent loss to the State by sales at inadequate prices, and to prevent purchases being made when needs could be supplied by articles already on hand. However, this can be accomplished by the Central Board.

I do not, however, see the necessity for going to the great expense involved in the appraisement of all the real estate, buildings, machinery, supplies, etc., in the numerous departments and institutions of the State which will never be sold.

On account of these objections, I file herewith Sections 2 and 3 with the Secretary of State without my approval.

JUDSON HARMON,
Governor.

June 6, 1911.

To the General Assembly:

I herewith file with the Secretary of State unapproved Section 2983 of the General Code contained in Amended House Bill No. 163, "To amend Sections 281, 1600, 1601, 1602, 1603, 1604, 1981, 1982, 2093, 2624, 2626, 2627, 2628, 2685, 2764, 2766, 2767, 2778, 2780, 2845, 2846, 2848, 2886, 2896, 2900, 2901, 2902, 2903, 2978, 2979, 2983, as amended April 30, 1910; 5396, 5597, 5623, 5695, 5738, 5771, 6086, 6526, 7458, 7594, 9270 and 13460, and to repeal sections 2577, 2849, 2851, 2897, 2998, 6525 and 3362 of the General Code, relating to the fees and compensation of the county auditor, county treasurer, probate judge, sheriff, clerk of courts and recorder".

My objections are that this section is also contained in Senate Bill No. 141, passed May 17, 1911, approved May 25, 1911, and that its provisions in the law just mentioned are more specific and better calculated to serve the purpose in mind, though the section is substantially the same in both that law and this bill.

JUDSON HARMON,
Governor.

June 7, 1911.

To the General Assembly:

House Bill No. 311, "To amend Sections 3497, 3498, 3501, 3505, 3507 of the General Code, relative to the population of villages and cities," proposes to change from five thousand to six thousand of population the line between villages and cities. A considerable number of municipalities in the State would be affected, some which are now cities becoming villages and some which are now villages being prevented from becoming cities, and there is a conflict of opinions and wishes.

After weighing the question, my judgment is that the decided balance of advantage lies in not disturbing the line which has been established for many years. And while the organization of a city government is somewhat more elaborate than that of a village, it can certainly be made more efficient and need be very little more expensive if the citizens take the interest they should in the affairs of their city which are so important to them.

Besides, fixing so unusual a figure as six thousand just at this time gives the bill an air of special legislation which is never attractive.

For these reasons I herewith file the bill with the Secretary of State unapproved.

JUDSON HARMON,
Governor.

June 7, 1911.

To the General Assembly:

The urgent need of the times is to reduce public expenses so as to leave more of the earnings and incomes of our citizens for their own use and enjoyment.

We are all so earnest about our schools that it is harder to secure economy in their management and maintenance than in any other department of the government, so many seem to fear that they will be thought to be opposed to education. But money wasted or illspent in a good cause does double harm. It is lost, for one thing, and it will in the end injure the cause, for another.

Whatever might be said about other expenditures in connection with our public schools, I can see no justification for building homes for superintendents of centralized township schools, as proposed by House Bill No. 414, "To amend Section 4726 of the General Code, so that a township board of education where they have centralized schools, can purchase a site and erect a dwelling house for the superintendent of centralized schools in a township."

The question of centralizing the schools is submitted to the people, but under this bill the trustees would be authorized, at their sole discretion, to build a home for the superintendent at a cost not exceeding $2,000.

This is an innovation which I fear would prove costly to the taxpayers and for which I can find no real necessity.

With these objections I file the bill with the Secretary of State unapproved.

JUDSON HARMON,
Governor.

June 7, 1911.

To the General Assembly:

Like other lawyers, I have sometimes needed consolation and once thought it might be found in knowing just how the court had gone wrong in my case when it merely announced the result without giving reasons. But discovering that I really felt no better when they published an opinion, but, if anything, worse, I concluded that, after all, there is more comfort in the broad field of conjecture.

At any rate, I became convinced long ago that the worst thing that can befall the administration of justice is wearisome delays, and these are unavoidable if the time must be taken to prepare an opinion in every case in the Supreme Court, which would be required by Senate Bill 70, "To amend Section 1484 of the General Code, to provide that all decisions of the Supreme Court shall be reported."

Two stenographers only are now provided for the six judges, and even if each judge had one to himself the cases disposed of each year would be reduced by half at least, as shown by the records of courts which report decisions in all cases. It is a great relief to both purse and patience to have the mass of legal publications diminished by omitting decisions which contain nothing new in either principle or application of law. And the selection of cases for report can be wisely left nowhere except with the court itself

I think the court has generally shown good judgment in this respect and that it would be a grave mistake to impose on it the useless labor this bill would involve.

The court does not review the findings of fact, yet the bill would require the facts to be stated as well as "each and every question submitted to it" decided.

Because of these objections I herewith file the bill with the Secretary of State unapproved.

JUDSON HARMON,
Governor.

June 7, 1911.

To the General Assembly:

When certain reasons of convenience were stated why the terms of city auditors should begin in July following their election instead of in January, I was somewhat impressed by them. But on further consideration I think they have little weight as against the inconveniences and disadvantages which would arise from not having this important officer assume his duties when the other city officers do.

One of the most vital things to insure good government is the prompt examination by each administration of the doings of its predecessor, and this work devolves largely on the auditor. To let the outgoing auditor hold until one-fourth of the term of the new administration has expired would not be wise. And, besides, an extension of existing terms for six months would be required, and is proposed by the bill, a step which only urgent necessity can justify.

On account of these objections I herewith file with the Secretary of State, unapproved, Senate Bill No. 150, "To amend Section 4275 of the General Code, and to provide for the extension of existing terms of city auditors in order to effect the purpose of said amendment."

JUDSON HARMON,
Governor.

June 7, 1911.

To the General Assembly:

House Bill No. 54, "To regulate the number of men to be employed in the business of operating engines engaged in switching cars and to prescribe the qualifications of such men," forbid the operation of switch or yard engines with less than a full crew consisting of five men, viz.: a foreman and two helpers, besides the engineer and fireman. The foreman and at least one of the helpers must have had at least six months' experience as switchman, conductor or brakeman.

The bill makes no provision of exception to cover cases of illness or injury disabling one or more of the men, but under it movement must stop at once without regard to the situation or the needs of the industries being served, even though the remaining members of the crew are fully competent to proceed with it and wish to do so, until the vacancy can be filled by a man or men with the prescribed qualifications. This can never be done without considerable and often great delay. At large stations where there is press of business and at smaller ones where only one switch engine is needed, it would be by mere chance that such men could be had at all. And the prevailing and perfectly proper practice of calling on some other employees to act in the emergency is forbidden.

It is also made unlawful to permit the foreman or either of the helpers to perform any other duties than those of foreman and helper while the engine to which they are attached is engaged in switching.

This would prevent one of the crew from acting temporarily as flagman, for instance, at a crossing where there is ordinarily no need for one but some unusual condition makes it dangerous to be switching over it without a flagman. And in various emergencies duties arise outside of their regular ones which the members of the crew can and ought to perform, as they now do, because the first duty of company and employees alike is to see that the public convenience is served which railroads are chartered to do. If the trained discretion of their operating officers in such matters as this is to be interfered with, the demands of the people for prompt and efficient service and reasonable rates will be harder to meet. The results are bound in the end

to be injurious to all concerned, including the men themselves with respect to their wages and conditions of service.

It will be noted, too, that the bill makes no distinction between points where switching work is heavy with several engines fully employed and points where it is light and done by a single engine, but applies, under the same heavy penalties, to all alike. If the matter is to be regulated by any outside authority it should be left to the railroad commission to deal with specific cases according to the circumstances of each and not by a rigid statute covering all cases without discrimination no matter what difference of situation there may be.

But apart from the objections above stated there is the one so commonly found. Railroads ten miles long or less are excluded from the provisions of the bill, making it a clear instance of class legislation, which the Constitution forbids. For these are mostly belt lines and industrial roads to which the supposed necessity applies quite as strongly as to others, if not more so. No law is valid which makes discriminations which are not founded on clear and substantial differences.

With these objections, I therefore file the bill with the Secretary of State unapproved.

JUDSON HARMON,
Governor.

June 8, 1911.

To the General Assembly:

House Bill No. 66, "To define the duty of common carriers of freight respecting the transportation of live stock," was undoubtedly inspired by laudable motives, but it was certainly framed without sufficient knowledge of the railroad business to forecast the effect of its provisions.

These require the carriage of all live stock within the State at an average of not less than ten miles an hour from point of shipment to destination, unless prevented by unavoidable accidents, excluding time consumed in loading and stops required by law or order of the shipper for feeding and watering.

The bill would not affect shipments of live stock on regular through freight trains because they readily can and do make better than the time prescribed. Nor would it affect special trains entirely made up of cars loaded at one point and destined to another.

But it is well known to all familiar with the railroad business that most, in fact nearly all, of the live stock shipments in the State, to which alone the bill could apply, are by the local freight trains. The through trains already have full loads and cannot stop to pick up live stock or other freight at the various stations along the line, even when it is already loaded in cars. So this work has to be done by the local trains and much time is necessarily consumed in loading the live stock into cars or picking up cars if already loaded. And other freight has to be put off and taken on, live stock being but a small part of the freight at all stations on all lines. At most local stations there are no switching engines, so that the work has to be done by the regular engine and crew. This always takes much time which is increased by having to keep the main tract clear for passenger and through trains.

It is greatly to the interest of the railroads to hasten transportation as much as possible because delay always means loss and liability. But under the conditions mentioned, which are unavoidable and necessary for the convenience of shippers, the local freight trains of the State, though they run at high speed between stations, do not and cannot make ten miles an hour from start to finish of their routes. Their schedules show at best

only seven or eight when the movement is normal, although the train crews are made up of capable men devoted to their duty.

The bill allows two hours for switching which is not to be counted, but this, as is well understood in the business, does not refer to the work of local freight trains at way stations, but only to movements at junction points and termini. So this provision does not help the matter, because each shipper of live stock could invoke the law for himself on his own shipment without regard to time consumed by other like shipments of other freight. Besides, it is not possible for all roads to adjust their schedules and control the movement of their trains so that transfers can be completed and the movement of their cars resumed always within two hours from delivery on their tracts at junction points.

Railroads are liable without this bill for all damages caused by needless or unreasonable delays, to which it is now proposed to add attorneys' fees, which is a departure from the settled policy of the State. The interests of shippers of live stock and those of other shippers would surely be injured by an attempt to enforce the provisions of a law compliance with which is prevented by conditions inherent in the business.

With these objections, I therefore file the bill with the Secretary of State unapproved.

JUDSON HARMON,
Governor.

June 8, 1911.

To the General Assembly:

The purpose of House Bill No. 200 is correctly stated in its title, "To prevent corrupt practices at elections." It is one which must be accomplished if our institutions are to survive and fulfill their objects. It is especially important at this time.

The provisions of the bill as drawn and passed by the house seem to be well conceived and expressed to reach the end in view. But various additions were made in the Senate of some of which the same can hardly be said, though they were concurred in by the House on the crowded closing day of the session.

One of them is Section 30 of the bill as it comes to me. It covers entirely new matter which, whatever else may be said of it, is certainly not germane to the bill because it does not relate to "corrupt practices." It requires the publication, without charge, in the same part of the paper and in the same type and ink, of whatever reply a candidate may choose to make to any matter published concerning him. Refusal by the publisher is made a corrupt practice subject to the severe penalties imposed by the bill on other conduct it condemns as criminal.

Common fairness would always afford a candidate an opportunity to answer statements published about him, and insure to his reply the same prominence and publicity as the original statement. But failure to be fair in this respect, reprehensible as it is, cannot be classed with bribery and corruption.

But this section requires several things which make it impossible to approve it. One is the publication of the candidate's reply within twenty-four hours after it is received, which in case of newspapers, etc., issued only weekly, semi-weekly or monthly, would subject the publishers to prosecution in every county their circulation reaches, that they could not avoid, at least without the enormous expense of a special edition.

Another is that whatever the candidate writes must be published as written without regard to its possibly libelous character, and the candidate is not required to indemnify the publisher.

A third is that the candidate's statement must be published without comment, which is a clear violation of the constitutional guaranty of freedom of the press. Even on the common ground of fair play it would not be right to close the treatment of the

subject with the candidate's statement. If the matter is of enough importance to call for the action ordered by the bill the public interest demands full information and discussion, and as the candidate's right to publication of his side would apply to comment on his statement as well as to the original publication a full hearing would be secured him.

Section 31 forbids as a corrupt practice, under the same penalties, demands on a candidate for member of the General Assembly for a "pledge concerning his vote or position" on any matter of legislation.

If this were limited to secret pledges I should be glad to approve it, for it would help matters greatly if every member should be free to exercise his own judgment without such obligations.

But the language used is not limited to demands for the kinds of pledges which are objectionable, and the section would therefore interfere with the exact understanding of the candidate's position and purposes which is essential to the success of representative government. The electors certainly have a right to demand a statement of the candidate's attitude on public questions at issue and a pledge to maintain it if chosen.

Paragraph 4 of Section 27 is another of these added provisions. It forbids publishers, editors and writers to demand pledges, etc., from candidates, to print threats, express or implied, for the purpose of controlling or intimidating candidates, or to solicit or receive from candidates presents of money or other valuable thing.

The provision last mentioned is proper and consistent with the general scope of the bill, though it is surprising that there should be occasion for it.. While the other provisions are open to objections, these do not outweigh the excellent features of the other three subdivisions and I can only deal with the section as a whole.

With the foregoing objections, I therefore file with the Secretary of State, unapproved, Sections thirty (30) and thirty-one (31) of the bill.

JUDSON HARMON,
Governor.

June 8, 1911.

To the General Assembly:

I file with the Secretary of State unapproved Sections 3a and 3b of Senate Bill No. 214, "To abandon the Columbus feeder to the Ohio canal and to provide for the selling and leasing of all lands connected therewith," with the following objections:

The interests of the State are fully protected by the original sections of the bill, which require the action of the Board of Public Works and the Chief Engineer, as a joint board, to appraise, lease or sell the property involved, subject to approval of the Governor and Attorney General, according to the various provisions of the statutes on the subject. The two sections mentioned, which were introduced as amendments, require publication and other proceedings which have been found by experience in other like cases to involve useless expense. As the object is to secure the best possible price for the lands with as little outlay as possible, the two sections mentioned would be a hindrance rather than a help. Any of the officers whose cooperation is required can insist upon publication when the amount or value of the property would make such a step advisable. Under the bill these are required in all cases, no matter how small the tract or how little its value, so that in some cases the expense would largely, if not entirely, consume the proceeds.

JUDSON HARMON,
Governor.

June 8, 1911.

To the General Assembly:

Sections 6386 to 6389, inclusive, of the General Code, require persons selling or issuing trading stamps, etc., to have plainly stated thereon their redeemable value in money and to redeem them at such value either in money or goods, at the holder's option, with a right of action on refusal. What the cash value to be so stated shall be is left to the person who sells or issues them. The object of the law is to prevent fraud and imposition on the public through uncertainty in this respect.

Senate Bill No. 160 proposes to take away from the person selling or issuing stamps, etc., the right he now has to make them redeemable at a higher value in goods and merchandise than in money. This is done by providing that in all cases the money value stated shall not be less than the trade, premium or merchandise value.

This is an unwarrantable attempt to interfere with the liberty guaranteed to every citizen to dispose of his property on his own terms. Purchasers of goods need not accept such stamps unless they wish to do so. They are merely an inducement to trade whose effectiveness depends on the attractiveness of the terms offered. They contain no uncertainty, depend on no chance, and therefore do not appeal to the gambling inclination which it is the policy of our laws to restrain. As nobody would do business without the expectation of profit it is natural and proper to make such stamps, etc., redeemable at a higher value in goods than in money, and to forbid this would be to abolish the use of such stamps, which is doubtless the object in view.

The present law goes as far as the guarantees of the Constitution permit in requiring the plain statement on the stamps, etc., of the exact obligation assumed. The attempt to do what this bill proposes or to forbid directly the use of such stamps has been made in many States and condemned by their courts as an unjustifiable interference with private business.

Even without such precedents I should hold the same view. But if I had any doubt about my duty regarding this bill it would be removed by another feature of it. The present law excepts trading stamps, etc., issued by both merchants and manufacturers with packages of their product or goods when these are to be redeemed by such merchants and manufacturers them-

selves. The amendment omits merchants, thus making it another instance of class legislation for which there is no justification.

To advertise one's business is an essential part of the right to carry it on, and the sale of trading stamps, etc., to be used by other merchants, if they are willing to do so, is a perfectly legitimate mode of advertising which may also properly include a profit for the cost of preparing and handling the stamps. It is not within the powers granted to the General Assembly, directly or indirectly to deny this right. It is common to all citizens, but if some do not choose to exercise it they cannot call in the State to take part against their competitors who do.

By reason of these objections I herewith file the bill with the Secretary of State unapproved.

JUDSON HARMON,
Governor.

June 9, 1911.

To the General Assembly:

The purpose of Section 1 of Senate Bill No. 233, "Relating to guessing contests and advertisements, and to prevent fraud in connection therewith," appears to be the suppression by fine or imprisonment, or both, of "enigma guessing or puzzle" contests so commonly used to attract customers or readers, when the prizes, etc., held out to the successful competitors are not offered in good faith, that is without an honest intention to deliver them.

This would be proper legislation. But the language employed does not cover fraud alone if, indeed, such was the purpose. What is condemned is the offering of prizes, etc., "of an assumed or pretended value," which would cover cases of arbitrary or exaggerated value as well as those where there is no intention to give the things offered at all.

What I have said in the message of this date concerning trading stamps applies to cases of the former kind and I refer to it without repeating. When there is no element of gambling or chance and the offer is made in good faith one may hold out whatever inducement he pleases which he thinks will increase his business, and it is not within the powers of the Legislature to forbid it. Enterprises of this kind are not harmful in their nature, but many of them lead to study and stimulate thought, while, generally at least, those who fail in the contest lose little or nothing but some time and effort. And those who succeed can charge to themselves alone disappointment if the prize does not come up to their expectations. The State has too much to do to act as guardian for credulous persons who, in the absence of fraud, rely on the puffing statements of those with whom they deal.

Section 2 inflicts the same heavy penalties for not keeping the promise to the winners of the contest by delivering the prize or paying cash when coupons, etc., are issued instead. This really amounts to reviving imprisonment for debt, because no allowance is made for honest inability to meet obligations assumed in good faith. A fire or other calamity might utterly destroy the prizes; the entire means of the offerer might be swept away by unavoidable misfortune. He must be fined or

imprisoned, or both, just the same, if he fail to make his promise good on demand.

If who ever framed the bill really meant this, he does not belong in Ohio. If he did not, our language becomes a dangerous weapon in his hands. In either case, I must file the bill with the Secretary of State without approval, as I herewith do.

JUDSON HARMON,
Governor.

June 9, 1911.

To the General Assembly:

Of all the steps looking to the material welfare of the people of the State the fixing of a limit of taxation is the most important at this time. Both parties declared in their platforms for a limit of ten mills, yielding to the demand of the taxpayers everywhere. And after a great struggle with the many who are interested in spending public funds rather than in safeguarding the purses of the people a law has just been passed fixing that limit. The wish of those who opposed it now is to break down this wholesome measure and have the old order of things restored. And the determination of every friend of economical administration should be, and I believe is, to resist all attempts to gratify that wish.

Economy necessarily involves self-denial, at least for the time being, with respect to desirable things. But this seems to be overlooked or disregarded by some worthy citizens in their pursuit of laudable objects. Without intending it, I am sure, they help the enemies of the tax limitation.

Among them are the advocates of good roads. Nothing is more to be desired than a system of highways throughout the State properly built and carefully maintained. And State aid for this purpose, from the general revenues, has been furnished for several years and is included in the appropriations for the present and the coming year. This is given on condition that the counties desiring it shall furnish equal amounts, and they are authorized to levy not exceeding one mill each year for that purpose.

But, by reason of a faulty system of administration, these funds have not been effectively used. So amended Senate Bill No. 165, "Creating a State Highway Department, defining the duties thereof, and providing aid in the construction and maintenance of highways, and to repeal certain sections of the General Code," provides for a reorganization of the State Highway Department and the putting in its charge of the building and repair of all roads for which State aid is furnished.

This is a wise measure. While it somewhat increases the force and expense of the department, this cannot be avoided without missing the results desired. And it is well worth while

even with the nearly one million dollars available each year under the law as it stands.

This, of course, is not enough for rapid progress, so the bill raises the amount the counties may levy annually from one mill to one and a half mills, and Senate Bill No. 225, a twin measure, requires a State levy of half a mill each year on all property correspondingly to increase the amount available for State aid.

This State levy must be counted in the ten-mill limit and reduces by so much what may be levied for other purposes. And Section 52 of said Bill No. 165 not only increases the authorized levy, as above stated, but in express terms puts the entire mill and a half outside of the ten-mill limit. So if both these provisions were approved the limit would at once become eleven and a half mills instead of ten, and the availability of the ten mills be reduced by a half a mill besides.

The owners of property of all kinds have been assured that the limit shall be ten mills, and on the faith of this they have generally acquiesced in the action of the taxing authorities with respect to fair returns and valuations. It would be most unfair now to permit the limit to be raised for any purpose which the people do not specifically and expressly approve, as provided in the tax limit law.

This interference with the tax limit is quite unnecessary, too, because the funds raised by the additional county levies cannot be spent until the State furnishes a like amount. And while the State levy begins at once, the money raised cannot be used until it is appropriated by law, which has not been done and cannot now be done until 1913. In fact the object stated in the bill is to provide a fund for future, not for present use.

I therefore, with these objections, file with the Secretary of State, unapproved, said Section fifty-two (52) of said Bill No. 165, and also Sections fifty-eight (58) and fifty-nine (59) thereof. The two last named are the repealing sections which cover Section 1224 of the General Code authorizing the present levy of one mill by the counties. I am compelled to include the repealing sections in my disapproval of Section 52, because otherwise no levy at all by the counties would be authorized. But while the entire repealing sections are struck out by my

action there will be no real difficulty, because they cover only the old State highway law which this bill replaces, reenacting most of it. Being later and on the same subject the bill will repeal by implication the parts of the old law which are different.

I regret to take this course, but it is the only one open unless I abandon the settled policy of standing by the tax limit, which I cannot justly or honorably do.

JUDSON HARMON,
Governor.

June 9, 1911.

To the General Assembly:

I file with the Secretary of State, unapproved, Senate Bill No. 225, "To create a State Highway Improvement Fund for the purpose of furnishing aid for the construction of highways in the State, and to provide a levy therefor."

My objections are set forth in the message of even date, filed contemporaneously herewith, stating my objections to certain sections of the companion bill, Amended Senate Bill No. 165, to which message I refer without repeating. My objections, in brief, are that the State levy directed by Senate Bill No. 225, especially in connection with the county levy authorized in Amended Senate Bill No. 165, are inconsistent with the tax limit of ten mills fixed at the present session and would destroy it, which I am in justice and honor bound to prevent.

JUDSON HARMON,
Governor.

June 9, 1911.

To the General Assembly:

Section 8863 of the General Code provides for the elimination of grade crossings of streets and highways by railroads, when the council or county commissioners, as the case may be, agree with the directors of the railway company about the plan and work. The succeeding sections provide for the steps to be taken in such cases, and also for court proceedings when the council or commissioners and the directors fail to agree.

This is a wholesome law in view of the great number of accidents at grade crossings.

The purpose of House Bill No. 252, "To amend Sections 8863, 8864 and 8866 of the General Code relating to grade crossings," would seem to be to remove doubts as to whether the law covers other than steam railroads, by expressly naming urban and interurban railroads. But the amendment is so worded that instead of broadening the law the bill would limit it to cases where "a steam railroad and an interurban railroad adjacent and parallel thereto" cross a street or highway at grade. Cases of that sort cannot be numerous, certainly not as compared with the great number of such crossings by single railroads. This suggests that the bill may have been drawn to cover a particular situation. At any rate, the effect would be to limit the operation of the law to exceptional cases, which, whether due to inadvertence or not, would be unwise.

I therefore file the bill with the Secretary of State, with these objections, unapproved.

JUDSON HARMON,
Governor.

June 12, 1911.

To the General Assembly:

Believing, as I do, that there is no occasion for increasing the judicial force of the State, my policy has been, from the beginning, to disapprove bills creating new courts or increasing the number of judges, except when plain grounds of public necessity appear. No such grounds are shown for the creation of a criminal court in the city of Lima, which is the purpose of House Bill No. 277.

The reasons for my course have been repeatedly stated in acting on like bills in cases of other cities and need not be again repeated.

The proposed new court would cause a considerable addition to the expenses of the city at a time when they should be reduced instead as far as consistent with proper administration.

JUDSON HARMON,
Governor.

June 12, 1911.

To the General Assembly:

Substitute Senate Bill No. 80, "To authorize the Chief Engineer of the Board of Public Works to examine and report to the General Assembly concerning the canals of the State and construction of a waterway or waterways from Lake Erie to the Ohio River," appropriates thirty thousand dollars for a general survey and investigation of the interior waterway navigation of the State with reference to a projected deep waterway or ways from Lake Erie to the Ohio, by one or all of the present canal routes.

This is to be done, under the supervision of the Chief Engineer of the Board of Public Works, by skilled consulting and other engineers of established reputation and experience, with provision for offices, employees, etc., etc.

In December, 1912, the results are to be reported with recommendations for the formation of plans and the providing of means for the construction of such waterway or ways of "the greatest practicable depth" with estimated cost, etc., if such construction is advised.

The Chief Engineer is also "to examine into and report upon the system or plan of management of the Public Works of the State," though he has already done this under the Governor's direction, recommending specific reductions of force and other steps to secure better management at much less cost, on which no action was taken by your body.

In view of the surveys and reports already made, the fact that the Constitutional Convention will deal with the general subject before the proposed report could be made, and the activity of the Federal Government with reference to a system of internal waterways which will doubtless include a consideration of those of Ohio, my judgment is that no useful purpose would be served by the expenditure of this large amount of money at this time.

The proper course seems to be to preserve the property now used or available for such purposes and await developments. I do not think public sentiment in the State is now prepared for

so heavy an undertaking with State funds alone as that which the bill contemplates.

For these reasons, I herewith file the bill with the Secretary of State unapproved.

JUDSON HARMON,
Governor.

June 12, 1911.

To the General Assembly:

The subject of House Bill No. 503, "Relating to the diminishing and increasing of salaries of officers and employees in cities," doubtless was merely that stated in its title. It attempts to exempt from the prohibition against the raising or lowering of salaries during official terms officers and employees in the classified service of the merit system. This is done by adding to Section 4213 of the General Code, which forbids changes in salaries, a general proviso that the provisions of that section shall not apply to such officers and employees.

But one of those provisions is that "all fees pertaining to any office shall be paid into the city treasury," etc., and the bill is open to the construction that such officers and employees are exempted from this requirement as well as from the prohibition against changes of salary.

For this reason, I herewith file the bill with the Secretary of State without approval.

JUDSON HARMON,
Governor.

June 12, 1911.

To the General Assembly:

I file with the Secretary of State, unapproved, House Bill No. 501, "To amend Section 4570 of the General Code, providing for the salary of mayors of cities in absence of police judge," with the following objections:

Section 4569 of the General Code provides that the Mayor may preside in the police court in the absence or disability of the judge, or appoint a lawyer or justice of the peace to do so. Section 4570 provides that the person so selected shall be paid at the same rate as the judge for the time so occupied. The object of the bill is to allow the mayor like compensation in case he acts as judge himself.

I do not think this a wise measure. If the other duties of the mayor permit it is part of his duty to act as police judge in such emergencies, and when he does his salary should cover the service, especially as there is no deduction from the salary of the police judge unless his absence or disability covers more than sixty days in any year. So in such cases there is double payment.

JUDSON HARMON,
Governor.

June 13, 1911.

To the General Assembly:

I file with the Secretary of State, unapproved, Section four (4) of House Bill No. 229, "To provide for parole of inmates of Girls' Industrial Home," with the following objections:

The object of the bill is to enlarge and improve the system mentioned in the title. Section 4 provides for the payment to the board of not more than one-third of the earnings or wages of each girl indentured or paroled and the confiscation thereof, as a penalty, in case of her return to the institution by reason of misconduct.

Unfortunately, the amounts paid these unfortunate girls for their services when indentured or paroled are very small. The purpose of such conditional release is to give them a chance to regain their standing in the world and to cultivate a spirit of indepedence and self-respect. I think this purpose would not be furthered by having their employers retain and send back to the institution a part of each payment made to them.

JUDSON HARMON,
Governor.

June 13, 1911.

To the General Assembly:

The purpose of House Bill No. 459, "To amend Section 1547 of the General Code, relating to the appointment of additional stenographers, as amended April 7, 1910, and filed in the office of the Secretary of State April 22, 1910 (O. L. Vol. 101, p. 110)," was to make stenographers appointed by the Common Pleas Courts official stenographers of the Circuit Courts in the respective counties also, there being now no provision for such stenographers in the Circuit Courts, and Section one (1) of the bill amends Section 1547 of the General Code accordingly.

But another purpose was to permit the appointment of stenographers on demand of indigent defendants in criminal cases when no official stenographers have been appointed.

By a mistake in both engrossment and enrollment the latter provision is inserted, as Section two (2) of the bill, between the first two lines of Section one (1) which declare the amendment of Section 1547 and the remainder of Section one (1) which gives the section as amended.

The only course open to correct this error is to strike the misplaced Section two (2) from the bill entirely by filing it with the Secretary of State unapproved, with the above objections, which I herewith do.

JUDSON HARMON,
Governor.

June 13, 1911.

To the General Assembly:

I file with the Secretary of State House Bill No. 308, "To amend Section 9 of an act entitled, 'An act to establish a criminal court in the city of Canton, Stark county, Ohio,' passed May 9, 1908 (99 O. L. p. 607-608)," with my objections as follows:

The act mentioned imposes on the judge duties with respect to offenses under both municipal ordinances and State laws, for the performance of all of which he is to receive compensation to be fixed by the city council. The amendment the bill proposes is to give the judge additional compensation for services in connection with offenses under State laws, to be fixed by the county commissioners.

It does not appear that the salary fixed by the council to cover all services in State as well as municipal cases is not ample to cover both. And the bill does not require a reduction in the present pay when the county assumes payment for services in State cases. A simple raise of salary is intended which, without the reduction just mentioned, would be paying twice for services in State cases.

JUDSON HARMON,
Governor.

June 14, 1911.

To the General Assembly:

Amended Senate Bill No. 65, "To supplement Section 4867 of the General Code by the addition of a section to be known as Section 4867-1, and to amend Section 5061 of the General Code, as amended by an act passed May 10, 1911, relating to qualifications and challenge of persons applying to vote," by the proposed Section 4867-1 deals only with the voting of students. They alone are mentioned, and the right to vote in the county where the school, college, university, etc., they attend is situated is denied them when they came into it merely for the purpose of such attendance and intend to leave it when that attendance ceases.

Section 5061 prescribes the questions to be asked of persons challenged when attempting to vote. It was amended at the present session by providing additional tests and precautions against abuses of the suffrage. The further amendment proposed by the bill adds nothing except the specific question whether the person offering to vote came into the county merely to attend a school, college, etc., and intends to leave the county when such attendance ceases. For while the words "or any other temporary purpose" are added to this inquiry the section already provides for a question which distinctly includes them, and for "all other questions necessary to test the qualifications to vote" of every one whose right is challenged.

It is entirely clear under the law as it now stands that no person is entitled to vote in a county when he came into it for a mere temporary purpose on whose accomplishment he intends to depart, no matter what that purpose may be, because voting is a matter of right and not one of convenience. And it is equally clear that there is already full provision for bringing out the facts in each case by questions to be answered under oath. Indeed, by the amendment passed May 11, 1911, a new safeguard is added. Until then it was for the judges alone to decide what questions, if any, shall be put, beyond the specific ones set out in the statute. Now "any person lawfully within the polling place" may request the putting of further questions "and one of the judges shall put the same."

Various classes of persons come into the State for temporary purposes, such as teachers, clergymen, workmen and

others who are employed for periods fixed by contract or the completion of the undertaking; and persons born in the State go into its different counties for like purposes. The sole test of the right of each to vote is whether he has been a "resident" of the State for one year and of the county for the shorter period provided by law (Const. Art. V. par. 1). Whether the length of time required for any of these purposes prevents their being classed as "merely" temporary, considered in connection with other circumstances, such as taking a fixed habitation and having no home elsewhere, and whether in such a case the intention to depart when the purpose of coming is fulfilled may be so indefinite or so qualified by regard for future contingencies of life as not to prevent the gaining of a legal residence meanwhile—these are questions which need not now be decided.

But it must be determined whether Ohio, with the high standing in intelligence and education of which her citizens are justly proud, ought to single out students as a class for general denial of the right to vote, instead of leaving each to qualify, if he can, under the general requirements which apply to all citizens. And I am bound to say this would be both unfair and unwise.

So with these objections I file the bill with the Secretary of State, unapproved.

JUDSON HARMON,
Governor.

June 15, 1911.